

AMENDED IN SENATE SEPTEMBER 3, 2013

AMENDED IN SENATE JUNE 19, 2013

AMENDED IN ASSEMBLY APRIL 29, 2013

AMENDED IN ASSEMBLY APRIL 15, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

## **ASSEMBLY BILL**

**No. 1108**

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### **Introduced by Assembly Members Perea and Frazier**

(Principal coauthor: Senator Huff)

**(Coauthors: Assembly Members Blumenfield, Hall, Maienschein,  
and Salas)**

(Coauthors: Senators Anderson, Beall, Cannella, Fuller, Lieu, and  
Nielsen)

February 22, 2013

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An act to add Section 3003.6 to the Penal Code, relating to sex offenders.

#### LEGISLATIVE COUNSEL'S DIGEST

AB 1108, as amended, Perea. Sex offenders: foster care homes: prohibitions.

Existing law requires every person convicted of certain offenses, for the rest of his or her life while residing in California, or while attending school or working in California, as specified, to register with the chief of police of the city in which he or she is residing, or the sheriff of the county if he or she is residing in an unincorporated area or city that has no police department, and, additionally, with the chief of police of a campus of the University of California, the California State University, or community college if he or she is residing upon the campus or in any

of its facilities, within 5 working days of coming into, or changing his or her residence within, any city, county, or city and county, or campus in which he or she temporarily resides, and to register thereafter as specified. Existing law, the California Community Care Facilities Act, provides for the licensure and regulation of community care facilities, including group homes and foster family homes, by the State Department of Social Services. Existing law provides for the certification of foster homes by foster family agencies.

This bill would, subject to exception, prohibit any person who is required to register as a sex offender, based upon the commission of an offense against a minor, from residing, working, or volunteering in specified foster homes or facilities, as provided. The bill would provide that violation of the prohibition is a misdemeanor.

By creating a new crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 3003.6 is added to the Penal Code, to  
2 read:  
3 3003.6. (a) Every person who is required to register pursuant  
4 to Section 290, based upon the commission of an offense against  
5 a minor, is prohibited from residing, except as a client, and from  
6 working or volunteering in any of the following:  
7 (1) ~~A foster home or child day care facility or children's~~  
8 ~~residential facility that is licensed by the State Department of~~  
9 ~~Social Services or, a home certified by a foster family agency, or~~  
10 ~~a home approved by a county child welfare services agency.~~  
11 ~~(2) A certified home of a foster family agency.~~  
12 ~~(3)~~  
13 (2) A home or facility that receives a placement of a child who  
14 has been, or may be, declared a dependent child of the juvenile  
15 court pursuant to Section 300 of the Welfare and Institutions Code

1 or who has been, or may be, declared a ward of the juvenile court  
2 pursuant to Section 601 or 602 of the Welfare and Institutions  
3 Code.

4 (b) Any person who violates this section is guilty of a  
5 misdemeanor.

6 (c) *Nothing in this section shall limit the authority of the State*  
7 *Department of Social Services to deny a criminal record exemption*  
8 *request and to take an action to exclude an individual from*  
9 *residing, working, or volunteering in a licensed facility pursuant*  
10 *to Sections 1522, 1569.09, 1569.17, or 1596.871 of the Health and*  
11 *Safety Code.*

12 SEC. 2. No reimbursement is required by this act pursuant to  
13 Section 6 of Article XIII B of the California Constitution because  
14 the only costs that may be incurred by a local agency or school  
15 district will be incurred because this act creates a new crime or  
16 infraction, eliminates a crime or infraction, or changes the penalty  
17 for a crime or infraction, within the meaning of Section 17556 of  
18 the Government Code, or changes the definition of a crime within  
19 the meaning of Section 6 of Article XIII B of the California  
20 Constitution.